

JS 44 (N.D. Ohio)

3:01CV7334

## Civil Cover Sheet

The JS-44 Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Please refer to the instructions on page 2.

ORIGINAL

## DEFENDANTS

## 1. (a) PLAINTIFFS

D.A.B.E., Inc., et al.

D/B/A Arnie's Saloon, et al.

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Lucas  
(EXCEPT IN U.S. PLAINTIFF CASES)

Toledo-Lucas County Board of Health, et al.

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT Lucas  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND

(c) ATTORNEY'S NAME (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)  
Louis E. Tosi, 1000 Jackson, Toledo, OH  
(419) 241-9000

ATTORNEYS (IF KNOWN)

Andrew K. Ranazzi, Lance M. Keiffer, John A. Borell, Damian M.P. Rodgers

## II. BASIS OF JURISDICTION (PLACE A check IN ONE BOX ONLY)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(PLACE A CHECK IN ONE BOX FOR PLAINTIFF AND IN ONE BOX FOR DEFENDANT)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Gov't Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

PTF	DEF	PTF	DEF
Citizen of this State <input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal <input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of another State <input type="checkbox"/> 2	<input type="checkbox"/> 2	Place of Business in this State	
Citizen or Subject of a Foreign Country <input type="checkbox"/> 3	<input type="checkbox"/> 3	Incorporated and Principal <input type="checkbox"/> 5	<input type="checkbox"/> 5
		Place of Business in another State	
		Foreign Nation <input type="checkbox"/> 6	<input type="checkbox"/> 6

## IV. ORIGIN

(PLACE A CHECK IN ONE BOX ONLY)

<input type="checkbox"/> 1 Original Proceeding	<input checked="" type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	Transferred from <input type="checkbox"/> 5 another district (specify) <input type="checkbox"/> 6 Multidistrict Litigation	Appeal to District Judge from <input type="checkbox"/> 7 Magistrate Judgment
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## V. NATURE OF SUIT

Please click on the appropriate nature of suit

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
110 Insurance	PERSONAL INJURY 310 Airplane	PERSONAL INJURY 362 Personal Injury-Med. Malpractice 365 Personal Injury-Product Liability	610 Agriculture 620 Other Food & Drug 625 Drug Related Seizure of Property 21 USC § 881	422 Appeal 28 USC § 158 423 Withdrawal 28 USC § 157
120 Marine	315 Airplane Product Liability	368 Asbestos Personal Injury Product Liability	630 Liquor Laws 640 Railroad & Truck 650 Airline Regulations 660 Occupational Safety/Health 680 Other	<b>PROPERTY RIGHTS</b> 820 Copyrights 830 Patent 840 Trademark
130 Miller Act	320 Assault, Libel, Slander			
140 Negotiable Instrument	330 Federal Employer's 340 Marine 345 Marine Product Liability	370 Other Fraud 371 Truth in Lending 380 Other Personal Property Damage 385 Property Damage Product Liability	710 Fair Labor Standards Act 720 Labor/Management Relations 730 Labor/Management Reporting and Disclosure Act 740 Railway Labor Act 790 Other Labor Litigation	<b>LABOR</b> 861 HIA (1395f) 862 Black Lung (923) 863 DIWC/DIWW (405(g)) 864 SSID Title XVI 865 RSI (405(g))
150 Overpayment Recovery & Enforcement of Judgment	350 Motor Vehicle 355 Motor Vehicle Product Liability	791 Employees Retirement Income Security Act (ERISA)	710 Fair Labor Standards Act 720 Labor/Management Relations 730 Labor/Management Reporting and Disclosure Act 740 Railway Labor Act 790 Other Labor Litigation	<b>SOCIAL SECURITY</b> 861 HIA (1395f) 862 Black Lung (923) 863 DIWC/DIWW (405(g)) 864 SSID Title XVI 865 RSI (405(g))
151 Medicare Act	360 Other Pers. Injury			
152 Recovery of Defaulted Student Loans (Excluding Veterans)				
153 Recovery of Overpayment of Vet's Benefits				
160 Stockholders' Suits				
190 Other Contract				
195 Contract Prod. Liability				
<b>REAL PROPERTY</b>	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>		
210 Land Condemnation	441 Voting	510 Motions to Vacate Sentence HABEAS CORPUS:		400 State Reapportionment 410 Antitrust 430 Banks & Banking 450 Commerce/ICC Rates, etc.
220 Foreclosure	442 Employment	530 General		460 Deportation 470 Racketeer Influenced and Corrupt Organizations (Civil RICO)
230 Rent Lease & Ejectm't	443 Housing- Accommodations	535 Death Penalty		810 Selective Service 850 Securities/Commodities/Exchange
240 Torts to Land	444 Welfare	540 Mandamus & Other		875 Customer Challenge 12 USC § 3410
245 Tort Product Liability	440 Other Civil Rights	550 Civil Rights 555 Prison Conditions		881 Agricultural Acts 892 Economic Stabilization Act 893 Environmental Matters 894 Energy Allocation Act 895 Freedom of Information Act 900 Appeal of Fee Determination Under Equal Access to Justice Act
250 All Other Real Prop.				950 Constitutionality of State Statute 890 Other Statutory Actions

VI. CAUSE OF ACTION (Cite the U.S. civil statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statute unless this is a diversity action) **U.S. Constitution, Takings Clause**VII. REQUESTED IN COMPLAINT:  Check if this is a Fed. R. Civ. P. 23 Class Action **DEMAND: \$** **CHECK YES ONLY IF DEMANDED IN COMPLAINT:** **JURY DEMAND:**  YES  NOVIII. RELATED CASE(S) **IF ANY (SEE INSTRUCTIONS)** **JUDGE** **DOCKET NUMBER**

Date

Signature of Attorney of Record

FOR CLERK'S OFFICE USE ONLY

RECEIPT NO. \_\_\_\_\_ AMOUNT \$ \_\_\_\_\_ JUDGE \_\_\_\_\_ MAGISTRATE JUDGE \_\_\_\_\_

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

I. Civil Categories: (Place an X in one category only).

1.  General Civil
2.  Administrative Review/Social Security
3.  Habeas Corpus Death Penalty

\*If under Title 28, §2255, name the SENTENCING JUDGE: \_\_\_\_\_

CASE NUMBER: \_\_\_\_\_

II. RELATED OR REFILED CASES. See Local Rules 1:2.4(3) and 6:2.5(d) which provides in pertinent part: "If an action is filed or removed to this Court and assigned to a District Judge after which it is discontinued, dismissed or remanded to a State court, and subsequently refiled, it shall be assigned to the same Judge who received the initial case assignment without regard for the place of holding court in which the case was refiled. Counsel or a party without counsel shall be responsible for bringing such cases to the attention of the Court by responding to the questions included on the Civil Cover Sheet."

This action is  RELATED to another PENDING civil case. This action is  REFILED pursuant to Rule 1:2.4(3).

If applicable, please indicate on the CIVIL COVER SHEET (form JS-44) in section VIII, the name of the Judge and case number.

III. In accordance with Local Civil Rule 2:1.2, actions involving counties in the Eastern Division shall be filed at any of the divisional offices therein. Actions involving counties in the Western Division shall be filed at the Toledo office. For the purpose of determining the proper division, and for statistical reasons, the following information is requested.

ANSWER ONE PARAGRAPH ONLY. ANSWER PARAGRAPHS 1 THRU 3 IN ORDER. UPON FINDING WHICH PARAGRAPH APPLIES TO YOUR CASE, ANSWER IT AND STOP.

(1) Resident defendant. If the defendant resides in a county within this district, please set forth the name of such county LUCAS COUNTY. Corporation For the purpose of answering the above, a corporation is deemed to be a resident of that county in which it has its principal place of business in that district.

(2) Non-Resident defendant. If no defendant is a resident of a county in this district, please set forth the county wherein the cause of action arose or the event complained of occurred. COUNTY.

(3) Other Cases. If no defendant is a resident of this district, or if the defendant is a corporation not having a principal place of business within the district, and the cause of action arose or the event complained of occurred outside this district, please set forth the county of the plaintiff's residence. COUNTY.

IV. The Counties in the Northern District of Ohio are divided into divisions as shown below. After the county is determined in Section III, please check the appropriate division.

EASTERN DIVISION

AKRON (Counties: Carroll, Holmes, Portage, Stark, Summit, Tuscarawas and Wayne)  
 CLEVELAND (Counties: Ashland, Ashtabula, Crawford, Cuyahoga, Geauga, Lake, Lorain, Medina and Richland)  
 YOUNGSTOWN (Counties: Columbiana, Mahoning and Trumbull)

WESTERN DIVISION

TOLEDO (Counties: Allen, Auglaize, Defiance, Erie, Fulton, Hancock, Hardin, Henry, Huron, Lucas, Marion, Mercer, Ottawa, Paulding, Putnam, Sandusky, Seneca, Van Wert, Williams, Wood and Wyandot)